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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,112	07/28/2003	Steffan Bansemer		3065

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EXAMINER

PHAM, MICHAEL

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,112	Applicant(s) BANSEMER, STEFFAN	
	Examiner Michael D. Pham	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/28/2003 (No Drawings submitted) is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1 - 11 have been examined.
2. Claims 1 - 11 are pending.
3. Claims 1 - 11 are rejected as detailed below.

Priority

No domestic nor foreign priority has been claimed. Therefore, the Application has been examined with the effective filing date of 7/28/2003.

Specification

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the

invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. The disclosure is objected to because of the following minor informalities:

Grammatical errors such as page 2 of specification recites "it may has". Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the destination medium being devices such as a cd-r, cd-r/w, dvd+r/w, dvd-ram, hard drive, network drive, flash drives, and floppy disks have not been disclosed within the specifications. Furthermore, any other claimed items that have not been disclosed in specifications and mentioned in the claims.

Drawings

5. No drawings have been submitted. Applicant is reminded that drawings are required to be furnished under 37 CFR 1.81(c) when necessary (See 37 CFR 1.81 to 1.85). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent 6,522, 268 by Belu (hereafter Belu).

Independent Claim 1:

Belu discloses a method in a **computer system for storing compressed files on various media to keep the limits of given compression formats or media formats, the method comprising the computer-implemented steps of:**

creating a list of files to include in the data compression process [Col. 7 lines 31-36, user makes original list of files to be compressed.];

sorting these files by their pathname[Col. 7 lines 51-553, sorting files by filename];

creating for each pathname a single compressed archive of any format that contains all files from that path [Col. 2 lines 50-60, compression of multiple files into an archive];

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storing the created archive to an according path (folder) [after compression and combination (i.e. archiving), Col. 10 lines 64-66, a storage device is utilized for storing file directories of where the file is located.];

repeating these steps until all files are compressed and stored on the destination medium [successively (repeatedly) combines data to list and stores for compression, Col. 9 lines 10-12. And archive can be stored on a harddrive, Col. 10 lines 64-66.];

Claim 7:

Belu discloses the method of claim 1 wherein the destination medium is a hard drive [Col. 10 lines 64-66].

Claim 11:

Belu discloses the method of claim 1 wherein the created archive is numbered and stored in a single path (folder) on the destination medium [Col. 2 lines 50-51, a single file is created after compression of multiple files into a single file. It is inherent that if you have one file there is at least one path for it.].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belu as applied to claim 1, 7, and 11 above, and further in view of U.S. Patent Application Publication 2004/0066537 by Youden (hereafter Youden).

Claim 2:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a CD-R.**

However, Youden discloses a writing data to CD-R [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a CD-R based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 3:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a CD-RW.**

However, Youden discloses a writing data to CD-RW [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a CD-RW based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 4:

The method of claim 1 wherein the destination medium is a DVD-R or DVD+R.

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a DVD-R or DVD+R.**

However, Youden discloses a writing data to DVD-R or DVD+R [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a DVD-R or DVD+R based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 5:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a DVD-R/W or DVD+R/W.**

However, Youden discloses a writing data to DVD-R/W or DVD+R/W [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a DVD-R/W or DVD+R/W based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 6:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a DVD-RAM.**

However, Youden discloses a writing data to DVD-RAM [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a DVD-RAM based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would

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have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 8:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a DVD-RAM.**

However, Youden discloses a writing data to DVD-RAM [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a DVD-RAM based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 9:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium removable media like floppy disks.**

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However, Youden discloses a writing data to other media standards (this includes floppy disks) [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a floppy disks based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data for archiving purposes [Youden, 0023].

Claim 10:

Belu discloses **the method of claim 1** as stated above, however Belu does not explicitly disclose **wherein the destination medium is a USB Flash drive.**

However, Youden discloses a writing data to similar Flash memory components (this includes USB) [0023].

It would have been obvious to one of ordinary skill at the time the invention was made to modify Belu to include the steps of having a destination medium a USB Flash drive based on the disclosure of Youden. Both inventions have a purpose to archive data. Therefore, a skilled artisan would have been motivated to combine Belu and Youden for the purpose of copying data

for archiving purposes [Youden, 0023].

Conclusion

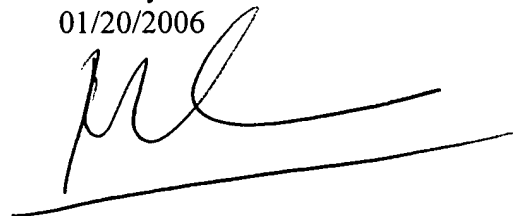
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere can be reached on 571-272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham
Art Unit 2167
Examiner
01/20/2006

Debbie Le
Art Unit 2168
Primary Examiner
01/20/2006

A handwritten signature in black ink, appearing to be 'Debbie Le', written over a horizontal line.